

United States District Court
Eastern District of California

Anthony L. Patton,

Plaintiff,

vs.

R. S. Johnson, et al.,

Defendants.

No. Civ. S 04-1893 FCD PAN P

Findings and Recommendations

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December 27, 2005, the court dismissed plaintiff's amended complaint for failure to state a claim upon which relief could be granted and explained the pleading's deficiencies, giving plaintiff 30 days' leave to file an amended complaint correcting those deficiencies. The 30-day period now has expired and plaintiff has not filed an amended complaint.

Accordingly, I hereby recommend that this action be dismissed for failure to state a claim upon which relief could be granted. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).

1 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
2 findings and recommendations are submitted to the United States
3 District Judge assigned to this case. Written objections may be
4 filed within 20 days of service of these findings and
5 recommendations. The document should be captioned "Objections to
6 Magistrate Judge's Findings and Recommendations." The district
7 judge may accept, reject, or modify these findings and
8 recommendations in whole or in part.

9 Dated: February 7, 2006.

10 /s/ Peter A. Nowinski

11 PETER A. NOWINSKI
12 Magistrate Judge
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